



[4910-13-P]

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

**[Docket No. FAA-2020-0977; Project Identifier MCAI-2020-01106-T]**

**RIN 2120-AA64**

**Airworthiness Directives; Dassault Aviation Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to supersede Airworthiness Directive

(AD) 2019-03-27, which applies to all Dassault Aviation Model Falcon 10 airplanes.

AD 2019-03-27 requires repetitive detailed inspections of certain wing anti-ice outboard flexible hoses, and replacement of certain wing anti-ice outboard flexible hoses. Since the FAA issued AD 2019-03-27, an improved wing anti-ice flexible hose has been developed. This proposed AD would continue to require the actions in AD 2019-03-27, and would add a new life limit for the improved wing anti-ice flexible hose, as specified in a European Union Aviation Safety Agency (EASA) AD, which will be incorporated by reference. The FAA is proposing this AD to address the unsafe condition on these products.

**DATES:** The FAA must receive comments on this proposed AD by [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- Federal eRulemaking Portal: Go to <https://www.regulations.gov>. Follow the instructions for submitting comments.

- Fax: 202-493-2251.

- Mail: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

- Hand Delivery: Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For the material identified in this proposed AD that will be incorporated by reference (IBR), contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); Internet: [www.easa.europa.eu](http://www.easa.europa.eu). You may find this IBR material on the EASA website at <https://ad.easa.europa.eu>. You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available in the AD docket on the Internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-0977.

### **Examining the AD Docket**

You may examine the AD docket on the Internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-0977; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The

street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206-231-3226; email: [tom.rodriguez@faa.gov](mailto:tom.rodriguez@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

The FAA invites you to participate in this rulemaking by submitting written comments, data, or views about this proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time. Send your comments to an address listed under the ADDRESSES section. Include “Docket No. FAA-2020-0977; Project Identifier MCAI-2020-01106-T” at the beginning of your comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments received by the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this NPRM because of those comments.

## **Confidential Business Information**

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206-231-3226; email: [tom.rodriguez@faa.gov](mailto:tom.rodriguez@faa.gov). Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

## **Discussion**

The FAA issued AD 2019-03-27, Amendment 39-19579 (84 FR 7801, March 5, 2019) (“AD 2019-03-27”), which applies to all Dassault Aviation Model Falcon 10 airplanes. AD 2019-03-27 requires repetitive detailed inspections of certain wing anti-ice outboard flexible hoses, and replacement of certain wing anti-ice outboard flexible hoses. The FAA issued AD 2019-03-27 to address damaged wing anti-ice outboard flexible hoses, which could lead to a loss of performance of the wing anti-ice protection system that is not annunciated to the pilot, and could result in reduced control of the airplane.

### **Actions Since AD 2019-03-27 Was Issued**

Since the FAA issued AD 2019-03-27, an improved wing anti-ice flexible hose has been developed which has the same life limit as other wing anti-ice outboard flexible hoses. The FAA has determined that the improved wing anti-ice flexible hose may be installed on airplanes and that a life limit for the improved wing anti-ice flexible hose must be implemented.

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020-0127, dated June 4, 2020 (“EASA AD 2020-0127”) (also referred to as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for all Dassault Aviation Model Falcon 10 airplanes. EASA AD 2020-0127 supersedes EASA AD 2019-0040-E, dated February 21, 2019 (which corresponds to AD 2019-03-27).

This proposed AD was prompted by a report indicating that certain wing anti-ice outboard flexible hoses were found damaged, likely resulting from the installation process, and the development of an improved wing anti-ice flexible hose. The FAA is proposing this AD to address damaged wing anti-ice outboard flexible hoses, which could lead to a loss of performance of the wing anti-ice protection system that is not annunciated to the pilot, and could result in reduced control of the airplane. See the MCAI for additional background information.

### **Explanation of Retained Requirements**

Although this proposed AD does not explicitly restate the requirements of AD 2019-03-27, this proposed AD would retain all of the requirements of

AD 2019-03-27. Those requirements are referenced in EASA AD 2020-0127, which, in turn, is referenced in paragraph (g) of this proposed AD.

#### **Related Service Information under 1 CFR Part 51**

EASA AD 2020-0127 describes procedures for repetitive detailed inspections of certain wing anti-ice outboard flexible hoses, replacement of certain wing anti-ice outboard flexible hoses, a new life limit for certain wing anti-ice outboard flexible hoses, and optional terminating actions for the repetitive inspections (replacement of all damaged affected wing anti-ice outboard flexible hoses or accomplishing and passing an inspection on an affected wing anti-ice outboard flexible hose after it has accumulated 100 flight cycles since installation on an airplane). This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

#### **FAA's Determination and Requirements of this Proposed AD**

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI referenced above. The FAA is proposing this AD because the FAA evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

#### **Proposed AD Requirements**

This proposed AD would require accomplishing the actions specified in EASA AD 2020-0127 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

## **Explanation of Required Compliance Information**

In the FAA’s ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2020-0127 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2020-0127 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to “all required actions and compliance times,” compliance with this AD requirement is not limited to the section titled “Required Action(s) and Compliance Time(s)” in the EASA AD. Service information specified in EASA AD 2020-0127 that is required for compliance with EASA AD 2020-0127 will be available on the Internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-0977 after the FAA final rule is published.

## **Costs of Compliance**

The FAA estimates that this proposed AD affects 54 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

### **Estimated costs for required actions**

<b>Action</b>	<b>Labor cost</b>	<b>Parts cost</b>	<b>Cost per product</b>	<b>Cost on U.S. operators</b>
---------------	-------------------	-------------------	-------------------------	-------------------------------

Retained actions from AD 2019-03-27	9 work-hours X \$85 per hour = \$765	\$0	\$765	\$41,310
New proposed actions	9 work-hours X \$85 per hour = \$765	\$316	\$1,081	\$58,374

The FAA estimates the following costs to do any necessary on-condition replacements that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need these on-condition replacements:

#### **Estimated costs of on-condition actions**

<b>Labor cost</b>	<b>Parts cost</b>	<b>Cost per product</b>
9 work-hours X \$85 per hour = \$765	\$316	\$1,081

#### **Authority for this Rulemaking**

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.



## **Regulatory Findings**

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

## **List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

## **The Proposed Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

### **PART 39 - AIRWORTHINESS DIRECTIVES**

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

#### **§ 39.13 [Amended]**

- 2. The FAA amends § 39.13 by:

- a. Removing Airworthiness Directive (AD) 2019-03-27, Amendment 39-19579 (84 FR 7801, March 5, 2019), and

b. Adding the following new AD:

**Dassault Aviation:** Docket No. FAA-2020-0977; Project Identifier

MCAI-2020-01106-T.

**(a) Comments Due Date**

The FAA must receive comments by [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**(b) Affected AD**

This AD replaces AD 2019-03-27, Amendment 39-19579 (84 FR 7801, March 5, 2019) (“AD 2019-03-27”).

**(c) Applicability**

This AD applies to all Dassault Aviation Model Falcon 10 airplanes, certificated in any category.

**(d) Subject**

Air Transport Association (ATA) of America Code 30, Ice and rain protection.

**(e) Reason**

This AD was prompted by a report indicating that certain wing anti-ice outboard flexible hoses were found damaged, likely resulting from the installation process, and the development of an improved wing anti-ice flexible hose. The FAA is issuing this AD to address damaged wing anti-ice outboard flexible hoses, which could lead to a loss of performance of the wing anti-ice protection system that is not annunciated to the pilot, and could result in reduced control of the airplane.

**(f) Compliance**

Comply with this AD within the compliance times specified, unless already done.

**(g) Requirements**

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2020-0127, dated June 4, 2020 (“EASA AD 2020-0127”).

**(h) Exceptions to EASA AD 2020-0127**

(1) Where EASA AD 2020-0127 refers to February 25, 2019 (the effective date of EASA AD 2019-0040-E, dated February 21, 2019), this AD requires using March 8, 2019 (the effective date of AD 2019-03-27).

(2) Where EASA AD 2020-0127 refers to its effective date, this AD requires using the effective date of this AD.

(3) The “Remarks” section of EASA AD 2020-0127 does not apply to this AD.

(4) Where EASA AD 2020-0127 refers to paragraph (4) of EASA AD 2017-0108 for applicable life limits, for this AD refer to FAA AD 2016-19-07, Amendment 39-18656 (81 FR 63688, September 16, 2016).

**(i) No Reporting Requirement**

Although the service information referenced in EASA AD 2020-0127 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

**(j) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, Large Aircraft Section, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with

14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (k)(2) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov.

(i) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(ii) AMOCs approved previously for AD 2019-03-27 are approved as AMOCs for the corresponding provisions of EASA AD 2020-0127 that are required by paragraph (g) of this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Dassault Aviation's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

**(k) Related Information**

(1) For information about EASA AD 2020-0127, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: ADs@easa.europa.eu; Internet: [www.easa.europa.eu](http://www.easa.europa.eu). You may find this EASA AD on the EASA website at <https://ad.easa.europa.eu>. You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-

231-3195. This material may be found in the AD docket on the Internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-0977.

(2) For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206-231-3226; email: [tom.rodriguez@faa.gov](mailto:tom.rodriguez@faa.gov).

Issued on October 26, 2020.

Lance T. Gant, Director,  
Compliance & Airworthiness Division,  
Aircraft Certification Service.

[FR Doc. 2020-24042 Filed: 10/30/2020 8:45 am; Publication Date: 11/2/2020]